

18 MAG. 4612

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Approved: EL2

ELINOR L. TARLOW  
Assistant United States Attorney



Before: THE HONORABLE SARAH NETBURN  
United States Magistrate Judge  
Southern District of New York

DOCS

-----X	:	<u>SEALED COMPLAINT</u>
UNITED STATES OF AMERICA	:	
- v. -	:	Violations of 18 U.S.C.
	:	§§ 1951, 924(c)(1), and
	:	2
DAVID RICHARDSON,	:	
SEAN BURTON,	:	COUNTY OF OFFENSE:
	:	NEW YORK
Defendants.	:	
	X	
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SOUTHERN DISTRICT OF NEW YORK, ss.:

WILLIAM J. SCHIERLE, being duly sworn, deposes and says that he is a task force officer with the Bureau of Alcohol, Tobacco, Firearms, and Explosives ("ATF") and New York City Police Department ("NYPD") Joint Robbery Task Force (the "Sparta Task Force"), and charges as follows:

**COUNT ONE**

(Conspiracy to Commit Hobbs Act Robbery)

1. From on or about May 10, 2018 up to and including on or about May 20, 2018, in the Southern District of New York and elsewhere, DAVID RICHARDSON and SEAN BURTON, the defendants, and others known and unknown, unlawfully and knowingly did combine, conspire, confederate, and agree together and with each other to commit robbery, as that term is defined in Title 18, United States Code, Section 1951(b)(1), and would and did thereby obstruct, delay, and affect commerce and the movement of articles and commodities in commerce, as that term is defined in Title 18, United States Code, Section 1951(b)(3).

(Title 18, United States Code, Section 1951.)

**COUNT TWO**

(Hobbs Act Robbery)

2. On or about May 10, 2018, in the Southern District of New York and elsewhere, DAVID RICHARDSON, the defendant, knowingly did commit robbery, as that term is defined in Title 18, United States Code, Section 1951(b)(1), and did thereby obstruct, delay, and affect commerce and the movement of articles and commodities in commerce, as that term is defined in Title 18, United States Code, Section 1951(b)(3), to wit, RICHARDSON, committed an armed robbery of a convenience store located in Manhattan.

(Title 18, United States Code, Sections 1951 and 2.)

**COUNT THREE**

(Use of a Firearm)

3. On or about May 10, 2018, in the Southern District of New York and elsewhere, DAVID RICHARDSON, the defendant, during and in relation to a crime of violence for which he may be prosecuted in a court of the United States, namely, the robbery charged in Count Two of this Complaint knowingly did use and carry a firearm, and, in furtherance of such crime, did possess a firearm, which was brandished during the robbery charged in Count Two of this Complaint.

(Title 18, United States Code, Sections 924(c)(1)(A)(ii), and 2.)

**COUNT FOUR**

(Hobbs Act Robbery)

4. On or about May 17, 2018, in the Southern District of New York and elsewhere, DAVID RICHARDSON and SEAN BURTON, the defendants, knowingly did commit robbery, as that term is defined in Title 18, United States Code, Section 1951(b)(1), and did thereby obstruct, delay, and affect commerce and the movement of articles and commodities in commerce, as that term is defined in Title 18, United States Code, Section 1951(b)(3), to wit, RICHARDSON and BURTON, the defendants, committed an armed robbery of an adult video store located in Manhattan.

(Title 18, United States Code, Sections 1951 and 2.)

**COUNT FIVE**

(Use of a Firearm)

5. On or about May 17, 2018, in the Southern District of New York and elsewhere, DAVID RICHARDSON and SEAN BURTON, the defendants, during and in relation to a crime of violence for which they may be prosecuted in a court of the United States, namely, the robbery charged in Count Four of this Complaint, knowingly did use and carry a firearm, and, in furtherance of such crime, and did aid and abet the use, carrying, and possession of a firearm, which was brandished during the robbery charged in Count Four of this Complaint.

(Title 18, United States Code, Sections 924(c)(1)(A)(ii), and 2.)

**COUNT SIX**

(Hobbs Act Robbery)

6. On or about May 20, 2018, in the Southern District of New York and elsewhere, DAVID RICHARDSON and SEAN BURTON, the defendant, knowingly did commit robbery, as that term is defined in Title 18, United States Code, Section 1951(b)(1), and did thereby obstruct, delay, and affect commerce and the movement of articles and commodities in commerce, as that term is defined in Title 18, United States Code, Section 1951(b)(3), to wit, RICHARDSON and BURTON committed an armed robbery of a convenience store located in Manhattan.

(Title 18, United States Code, Sections 1951 and 2.)

**COUNT SEVEN**

(Use of a Firearm)

7. On or about May 20, 2018, in the Southern District of New York and elsewhere, DAVID RICHARDSON and SEAN BURTON, the defendants, during and in relation to a crime of violence for which they may be prosecuted in a court of the United States, namely, the robbery charged in Count Six of this Complaint, knowingly did use and carry a firearm, and, in furtherance of such crime, and did aid and abet the use, carrying, and possession of a firearm, which was brandished during the robbery charged in Count Six of this Complaint.

(Title 18, United States Code, Sections 924(c)(1)(A)(ii), and 2.)

The bases for my knowledge and the foregoing charges are, in part, as follows:

8. I am a Detective with the Sparta Task Force. This affidavit is based on my personal participation in the investigation of this matter, my conversations with other law enforcement agents, witnesses and others, my review of video recordings, as well as my examination of reports and records. Because this affidavit is being submitted for the limited purpose of demonstrating probable cause, it does not include all the facts that I have learned during the course of my investigation. Where the contents of documents and the actions, statements, and conversations of others are reported herein, they are reported in substance and in part, except where otherwise indicated.

#### **Overview**

9. As set forth in greater detail below, the Sparta Task Force is investigating four robberies that have occurred in Manhattan and Brooklyn in or about May 2018 (the "Robberies"). Based on my involvement in this investigation, my review of law enforcement reports, and my review of surveillance videos and photographs, I have learned that in each of the Robberies, two male black perpetrators enter commercial establishments in Manhattan and Brooklyn and remove United States currency from the cash registers of these businesses. In each of the Robberies, one of the male robbers carried and brandished a firearm.

#### **The Investigation**

10. On or about May 10, 2018, the first robbery in this investigation occurred at a convenience store located at a particular address on 3rd Avenue in Manhattan, New York ("Robbery-1"). Based on my conversations with law enforcement officials who have spoken with an employee of the convenience store ("Victim-1") as well as my review of surveillance footage, I have learned the following, in substance and in part:

a. On or about May 10, 2018 at approximately 1:40 a.m., an individual who was later identified as DAVID RICHARDSON, the defendant, *see infra* ¶¶ 14-15, and an unidentified co-conspirator ("CC-1") entered the convenience store.

b. RICHARDSON displayed a firearm and demanded

United States currency from the cash register, while CC-1 acted as a lookout.

c. RICHARDSON and CC-1 then removed approximately \$500 in United States currency as well as Victim-1's cellphone and fled the location.

11. On or about May 17, 2018, the second robbery in this investigation occurred at an adult sex store, The Erotica, which is located at a particular address on 8th Avenue in Manhattan, New York ("Robbery-2"). Based on my conversation with law enforcement officials who have spoken with an employee of the adult sex store ("Victim-2") as well as my review of surveillance footage, I have learned the following, in substance and in part:

a. On or about May 17, 2018 at approximately 11:26 p.m., two males, later identified as DAVID RICHARDSON and SEAN BURTON, the defendants, see *infra* ¶¶ 14-15, entered the adult sex store.

b. RICHARDSON, who was wearing a grey sweatshirt, light-colored jeans, a gold chain, and a black mask, displayed a firearm. BURTON, who was wearing a sweatshirt with a Nike emblem and a red bandana, proceeded to remove approximately \$500 in United States currency from the adult sex store with RICHARDSON.

12. On or about May 20, 2018, the third robbery in this investigation occurred at a convenience store located at a particular address on 23rd Street in Manhattan, New York ("Robbery-3"). Based on my conversations with law enforcement officials who have spoken with an employee of the convenience store ("Victim-3") as well as my review of surveillance footage, I have learned the following, in substance and in part:

a. On or about May 20, 2018 at approximately 3:23 a.m., two males, later identified as DAVID RICHARDSON and SEAN BURTON, the defendants, see *infra* ¶¶ 14-15, entered the convenience store.

b. RICHARDSON, who was wearing a gold chain, displayed a firearm and ordered Victim-3 to open the cash register. BURTON, who was wearing a sweatshirt with a Nike emblem, acted as a lookout.

c. RICHARDSON and BURTON then proceeded to



remove approximately \$1,000 in United States currency and fled the location.

13. On or about May 28, 2018, the fourth robbery in this investigation occurred at an adult video store located at a particular address on Third Avenue in Brooklyn ("Robbery-4"). Based on my conversations with law enforcement officials who have spoken with an employee of the adult video store ("Victim-4"), as well as my review of surveillance footage, I have learned the following, in substance and in part:

a. On or about May 28, 2018 at approximately 6:45 p.m., two males, later identified as DAVID RICHARDSON and SEAN BURTON, the defendants, see *infra* ¶¶ 14-15, entered an adult video store.

b. RICHARDSON, who was wearing light-colored jeans and a gold chain, displayed a firearm and ordered Victim-4 to open the cash register, while BURTON acted as a lookout.

c. RICHARDSON and BURTON then removed United States currency and fled the location.

14. Based on my conversation with law enforcement officials, as well as my review of surveillance footage, I have learned the following, in substance and in part:

a. On or about May 28, 2018, law enforcement officials received a notification that Robbery-4 was in progress, at which time they canvassed the neighborhood where the adult video store was located and observed two males near this store who began to run away from the officers.

b. Law enforcement officers arrested the two males, who were identified as RICHARDSON and BURTON, at which time they recovered a firearm, a drawstring backpack, and a North Face backpack.

i. Based on my review of surveillance footage of Robbery-1, Robbery-2, and Robbery-3, I believe the firearm recovered in connection with Robbery-4 to be the same firearm as was used in Robbery-1, Robbery-2, and Robbery-3.

ii. Based on my conversations with law enforcement officials, I have learned, in substance and in part, that the drawstring backpack recovered incident to the defendants' arrest contained a black mask, a red bandana, and a

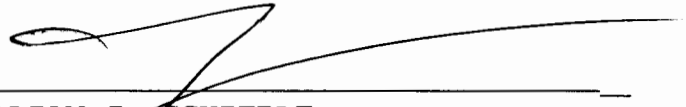
grey sweatshirt. Based on my review of surveillance footage of Robbery-2, I believe the mask and bandana to be the same as those used by RICHARDSON and BURTON in Robbery-2 and the grey sweatshirt to be the same sweatshirt worn by RICHARDSON in connection with Robbery-2.

iii. Based on my conversations with law enforcement, I have learned, in substance and in part, that the North Face duffle bag recovered incident to the defendants' arrest contained a sweatshirt with a Nike emblem. Based on my review of surveillance footage of Robbery-2 and Robbery-3, I believe that sweatshirt to be the same as the one worn by BURTON in connection with Robbery-2 and Robbery-3.

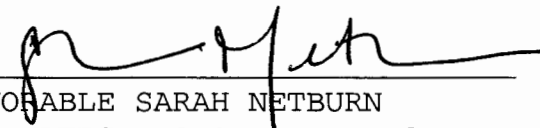
15. Based on my review of photographs of DAVID RICHARDSON and SEAN BURTON, the defendants, obtained by law enforcement in connection with the Robberies, I believe that RICHARDSON is one of the males who conducted Robbery-1, Robbery-2, and Robbery-3 and that BURTON is one of the males who conducted Robbery-2 and Robbery-3. Specifically, based on my comparison of law enforcement photographs of RICHARDSON and BURTON with the surveillance videos and photographs of the two perpetrators involved in these robberies, I believe that the same individuals are depicted.

[INTENTIONALLY LEFT BLANK]

WHEREFORE, deponent respectfully requests that DAVID RICHARDSON and SEAN BURTON, the defendants, be imprisoned, or bailed, as the case may be.

  
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WILLIAM J. SCHIERLE  
Detective  
New York City Police Department

Sworn to before me this  
29th day of May, 2018

  
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THE HONORABLE SARAH NETBURN  
UNITED STATES MAGISTRATE JUDGE  
SOUTHERN DISTRICT OF NEW YORK